

REMARKS

This Amendment is being filed in response to the Final Office Action mailed April 4, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-13 and 15-32 remain in this application, where claim 14 had been canceled without prejudice and claims 27-32 had been added.

Applicants acknowledge the indication that the objection to the oath or declaration is maintained and will file a new oath or declaration upon receipt.

In the Final Office Action, claims 21-26 and 29-32 are rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement. Without agreeing with the position forwarded in the Final Office Action, and in the interest of advancing prosecution, independent claims 21 and 26 have been amended for better clarity. It is respectfully submitted that the rejection of claims 21-26 and 29-32 has been

overcome and an indication as such is respectfully requested.

In the Final Office Action, claims 21-24 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent Application Publication No. 2002/0181376 (Acker). Claim 26 is rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,901,210 (Heo). Claims 1, 3-4, 9-10 and 13 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Heo in view of by U.S. Patent No. 6,693,869 (Ballantyne). Claim 2, 5, 7-8 and 11-12 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Heo in view of Ballantyne and Acker. Claim 6 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Heo in view of Ballantyne and U.S. Patent Application Publication No. 2002/0131767 (Auwens). Claim 15 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Heo in view of Ballantyne and U.S. Patent No. 6,636,958 (Abboud). Claims 16-17 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Heo in view of Ballantyne and U.S. Patent Application Publication No. 2003/0103429 (Senshu). Claim 18 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Heo in view of Ballantyne and U.S. Patent No. 6,792,437 (Rafanello). Claims 19-20 are rejected under

35 U.S.C. §103(a) as allegedly unpatentable over Heo in view of Ballantyne and U.S. Patent Application Publication No. 2003/0009334 (Printz). Claim 25 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Acker in view of U.S. Patent Application Publication No. 2002/0064111 (Horie). Claim 27 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Heo in view of Ballantyne and U.S. Patent No. 6,081,447 (Lofgren). Claim 28 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Heo in view of Ballantyne and U.S. Patent Application Publication No. 2003/0033051 (Wilkes). Claim 29 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Acker in view of Lofgren. Claim 30 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Acker in view of Wilkes. Claim 31 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Heo in view of Lofgren. Claim 32 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Heo in view of Wilkes. Further, Claim 32 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Heo in view of Wilkes. It is respectfully submitted that claims 1-13 and 15-32 are patentable over Acker, Heo, Ballantyne, Auwens, Abboud, Senshu, Rafanello,

Printz, Horie, Lofgren and Wilkes for at least the following reasons.

On page 6 of the Final Office Action, in rejecting claim 1, the Examiner correctly noted that Heo does not disclose or suggest that "said access means is arranged to write to said navigation area a location information of data accessed at a rate higher than an access pattern information for sequential data retrieval," as recited in independent claim 1, and similarly recited in independent claims 21 and 26. Ballantyne is cited in an attempt to remedy the deficiencies in Heo.

Ballantyne is directed to a user-interactive program that assists a user in locating files on optical media discs. The application program calculates an optimal location for files and/or directories on an optical media disc so that the files are located near the location with the highest data transfer rate. Column 2, lines 42-54 disclose that it is desirable to transfer the data as fast as possible, while still maintaining accuracy. Further, column 10, lines 10-13 disclose that in many applications, the objective of locating files on an optical media disc is to transfer certain designated data (e.g., program files or data) to locations

that are expected to have higher expected data transfer rates than other areas.

In addition, Ballantyne discloses on column 13, lines 25-36 to place certain type files at predetermined location on a disc. A pointer table may include location information of files and directories, as disclosed on column 13, lines 57-60.

It is respectfully submitted that Heo, Ballantyne and combination thereof, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 21 and 26 which, amongst other patentable elements, recites (illustrative emphasis provided):

wherein the record carrier is partitioned into at least a first partition for including first content of a first type and second partition for including second content of a second type so that a first access device accesses the first content and a second access device accesses the second content, the first type being different from the second type, and wherein space is dynamically moved between the first partition and the second partition.

These features are nowhere taught or suggested in Heo and Ballantyne, alone or in combination. Acker, Auwens, Abboud, Senshu, Rafanello, Printz, Horie, Lofgren and Wilkes are cited to allegedly show other features and do not remedy the deficiencies in

Heo and Ballantyne.

Accordingly, it is respectfully submitted that independent claims 1, 21 and 26 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-13, 15-20, 22-25 and 27-32 should also be allowed at least based on their dependence from independent claims 1, 21 and 26.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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